

Applicant's Response

Applicant traverses the rejection based on Mody because the cited reference is not prior art under any applicable section of 35 U.S.C. § 102. specifically, Mody's earliest effective filing date is based on a provisional application filed August 30, 2000. By contrast, applicant's application claims priority to PCT patent application No. PCT/EP00/05527, filed June 15, 2000, two months prior to the earliest effective filing date of Mody.<sup>1</sup> A copy of applicant's priority PCT application is enclosed herewith, thereby establishing applicant's filing date as predating that of Mody. Accordingly, because Mody is not prior art to the present application and there are no other art-based rejections, applicant subjects that the claims are in a condition for allowance.

An early and favorable action is earnestly requested.

Respectfully submitted,



Nicola A. Pisano  
Reg. No. 34,408  
Attorney for Applicant

LUCE, FORWARD,  
HAMILTON & SCRIPPS, LLP  
11988 El Camino Real, Ste 200  
San Diego, California 92130  
Tel.: (858) 720-6320  
Fax : (858) 523-4326

2038803.1

---

<sup>1</sup> Applicant also claims priority to Swedish application Ser. No. 9902250-1 filed June 15, 1999, but need not rely on that filing date to predate Mody.